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P56934  
2007 AUG 30 PM 4:55

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD G. HYATT, JR.

Serial No.: 10/630,759 Examiner: BARRETT, SUZANNE LALE DINO

Filed: 31 July 2003 Art Unit: 3676

For: ELECTROMECHANICAL CYLINDER PLUG

**REQUEST FOR REFUND**

**Mail Stop : 16**

**Attn: Refunds**

Director of the U.S. Patent & Trademark Office  
2051 Jamieson Ave, Suite 300  
Alexandria, VA 22314

Sir:

Applicant respectfully request for refund of the amount of \$225.00 under fee code [1252]  
overcharged on 1 September 2005 in the above-referenced application for the reason as follows:

1. On 31 July 2003, Applicant filed a patent application with claiming Small Entity Status.
2. On 3 March 2004, an Official Filing Receipt was mailed. The Official Filing Receipt indicated that this application has been filed with claiming Small Entity Status. A copy of the Official Filing Receipt mailed on 3 March 2004 is attached.

3. On 31 March 2005, a first Office action (Paper No. 03172005) was mailed.
4. On 31 August 2005, Applicant facsimile transmitted Amendment to Central Fax Center of the U.S. Patent & Trademark Office at facsimile No. 571-273-8300, and then, filed the Amendment in the U.S. Patent & Trademark Office.  
  
In the Remarks of the Amendment filed on 31 August 2005, Applicant requested for extension of the time for responding to the first Office action mailed on 31 March 2005 (Paper No. 03172005), for two months to and through 31 August 2005, and Applicant requested that two-month extension of time fee **\$225.00 (Small Entity)** be charged to the Applicant's undersigned Attorney's Deposit Account No. 02-4943.
5. On 1 September 2005, the amount of \$450.00 under fee code [1252] was charged to the Applicant's undersigned Attorney's Deposit Account No. 02-4943.


**REMARKS**

In view of the fact that this application has been filed with claiming **Small Entity Status**, the amount of \$225.00 was overcharged on 1 September 2005. Therefore, the amount of \$225.00 should be refunded.

Accordingly, the Commissioner is respectfully requested to immediately refund **\$225.00** under fee code [1252] overcharged on 1 September 2005 to Applicant's undersigned attorney's Deposit Account No. 02-4943.

**Please refer the attached documents for the above-reference patent application.**

Respectfully submitted,

  
Robert E. Bushnell  
Attorney for Applicant  
Reg. No.: 27,774

1522 "K" Street, N.W., Suite 300  
Washington, D.C. 20005  
phone: (202) 408-9040

Folio: P56934

Date: 28 August 2007

I.D.: REB/sb

Enclosures: 

1. A copy of the Official Filing Receipt mailed on 3 March 2004
2. A copy of Amendment filed on 31 August 2005
3. A copy of date-stamped postcard receipt dated 31 August 2005
4. A copy of Monthly Statement of Deposit Account dated 9/30/05

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PATENT  
P56934

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD G. HYATT, JR.

Serial No.: 10/630,759

Examiner: BARRETT, SUZANNE LALE DINO

Filed: 31 July 2003

Art Unit: 3676

For: ELECTROMECHANICAL CYLINDER PLUG

RESPONSE/AMENDMENTPaper No. 5Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

VIA FAX: 571.273.8300

Sir:

In response to the first Office action mailed on the 31<sup>st</sup> of March 2005 (Paper No. 03172005), entry of the following amendments and remarks, re-examination and reconsideration are respectfully requested.

09/01/2005 SDENBDB1 00000044 024943 10630759

01 FC:1252 450.00 DA

Folio: P56934

Date: 8/31/05

I.D.: REB/kf

CERTIFICATE OF  
FACSIMILE TRANSMISSION

I hereby certify that, on 31 August 2005,  
this correspondence is being facsimile  
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Office (Facsimile No. 571-273-8300)

Total 4 sheetsFor Robert E. Bushnell  
Reg. No. 27,774

09/10/2007 HGBREH1 03020340 024943 10630759

01 FC:0252 450.00 CR

RECEIVED: 09/10/2007 HGBREH1  
09/10/2007 SDENBDB1 03020344 024943 10630759  
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SEP 01 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

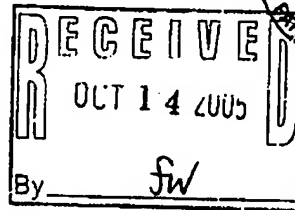


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**MONTHLY STATEMENT  
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To replenish your deposit account, detach and return top portion with your check. Make check payable to Director of Patents & Trademarks.

ROBERT E BUSHNELL ESQ  
ROBERT E. BUSHNELL  
1522 "K" STREET, N.W.  
SUITE 300  
WASHINGTON DC 20005



FINA

Account No.	024943
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Page	1

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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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9	1	05	53	10630759	P56934	1252	450.00	19308.41
9	7	05	1	10050158	P56642	1252	330.00	18978.41
9	12	05	2	09752513	P56268	1252	-450.00	19428.41
9	30	05	23	10408124	P56851	1202	50.00	19378.41
9	30	05	95	10408124	P56851	1202	50.00	19328.41
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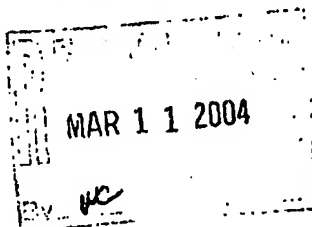


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/630,759	07/31/2003	3676	417	P56934	20	5	4

Robert E. Bushnell  
Suite 300  
1522 K Street, N. W.  
Washington, DC 20005-1202



CONFIRMATION NO. 8457

**FILING RECEIPT**



\*OC000000012011691\*

Date Mailed: 03/03/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Richard G. Hyatt JR., Shawsville, VA;

**COPY**

**Domestic Priority data as claimed by applicant**

This application is a DIV of 08/720,070 09/27/1996  
which claims benefit of 60/004,594 09/29/1995  
and claims benefit of 60/011,764 02/12/1996

**Foreign Applications**

If Required, Foreign Filing License Granted: 03/02/2004

Projected Publication Date: 06/10/2004

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

**Title**

Electromechanical cylinder plug



P56934 31 August 2005

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Applicant: RICHARD G. HAYATT JR.

S.N.: 10/630,759

Filed: 31 July 2003

For: *ELECTROMECHANICAL CYLINDERE PLUG*

**Document(s) filed:**

1. Response/Amendment combined with Petition for an extension of time  
(Paper No. 5)



COPY



PATENT  
P56934

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD G. HYATT, JR.

COPY

Serial No.: 10/630,759

Examiner: BARRETT, SUZANNE LALE DINO

Filed: 31 July 2003

Art Unit: 3676

For: ELECTROMECHANICAL CYLINDER PLUG

**RESPONSE/AMENDMENT**

**Paper No. 5**

Commissioner for Patents  
P.O.Box 1450  
Alexandria, VA 22313-1450

**VIA FAX: 571.273.8300**

Sir:

In response to the first Office action mailed on the 31<sup>st</sup> of March 2005 (Paper No. 03172005), entry of the following amendments and remarks, re-examination and reconsideration are respectfully requested.

**CERTIFICATE OF  
FACSIMILE TRANSMISSION**

I hereby certify that, on 31 August 2005,  
this correspondence is being facsimile  
transmitted to the U.S. Patent & Trademark  
Office (Facsimile No. 571-273-8300)

**Total      sheets**

For Robert E. Bushnell  
Reg. No. 27,774

Folio: P56934  
Date: 8/31/05  
I.D.: REB/kf



**REMARKS**

The Office action mailed on 31 March 2005 (Paper No. 03172005) has been carefully considered. Allowance of claims 6 through 8, as indicated in paragraph 3 of the Office action, is noted with appreciation.

**Status of Claims**

Claims 6 through 10 are pending in the application. Claims 6 through 8 are allowed.

**Double Patenting**

Claims 9 and 10 are *provisionally* rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 90 and 120 of co-pending Serial No. 08/720,070. The Examiner states that:

"It is understood that these claims have been filed for the purposes of interference and are copied claims, however, claims 90 and 120, which correspond to the instant claims 9 and 10, are still pending in co-pending application 08/720,070, thus necessitating this rejection."

This provisional rejection is improper under long-standing U.S. patent practice. Specifically, the customary U.S. practice is, as stated in the *Manual of Patent Examining Procedure* (MPEP) §804 I. B, which states that:

"If the 'provisional' double patenting rejection in one application is the *only* rejection

remaining in that application, the examiner should *then withdraw that rejection* and permit the application to issue as a patent ... ”

Under this guidance of the *Manual*, this rejection was unnecessary; consequently, the delay in completion of the examination of this application caused by issuance of Paper No. 03172005 could have been avoided by the Office. The Examiner should withdraw the rejection of claim 9 and 10, and permit this application to issue. There is therefore, no basis under U.S. law to maintain this rejection, and no reason to further delay the completion of the examination. Such action is respectfully requested.

It is submitted that the claims of this application are all in condition for immediate allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

**PETITION FOR AN EXTENSION OF TIME**

Pursuant to 37 C.F.R. §1.136(a), please extend the time for responding to the first Office action mailed on 31 March 2005 (Paper No. 03172005), **for two month to and through 31 August 2005**. The Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of \$225.00 (SMALL ENTITY).

Should other fees be incurred, the Commissioner is also authorized to charge

PATENT  
P56934

Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,

---

Robert E. Bushnell,  
Attorney for the Applicant  
Registration No.: 27,774

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